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COURT OF SPECIAL APPEALS OF MD

1980 DEC 12 AM 10:00

EDWARD D. STORM

H.E. FRIEDMAN
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NO. 16,432 EQUITY.

VS.

IN THE CIRCUIT COURT

FOR FREDERICK COUNTY,

GEORGE W. STEWART,
ET AL

IN EQUITY.

OPINION

The heirs of George W. Stewart (Petitioners) and their spouses, along with Wilmer Mechlin, a contract purchaser, brought a petition to set aside a decree foreclosing their rights of redemption to a property known as Foul Play and have declared null and void a tax sale and conveyance in connection with the foreclosure proceedings.

On April 14, 1947 the property known as Foul Play was sold by the Treasurer for Frederick County for delinquent taxes to the respondent's predecessor in title. A bill of complaint followed on June 10, 1948 to foreclose all rights of redemption of George W. Stewart and the unknown owners of the property. On September 27, 1948 a decree was passed foreclosing all rights of redemption of George W. Stewart and the unknown owners of the property and directing the Treasurer to execute a deed to the purchaser at the tax sale. The proceeds from the sale were held by the County Treasurer until 1961, when they were turned over to the petitioners in response to a public notice that the funds were available.

Article 81 provided that an affidavit of search shall be filed indicating that a search had been made of the Land Records and Register of Wills Records of Frederick County for a period of forty years immediately prior to the institution of the foreclosure proceedings. The evidence clearly shows that a search of the Register of Wills Records immediately prior to filing the foreclosure